

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8

June 30, 2017

SUBJECT: FINANCIAL RESPONSIBILITY REQUIREMENTS – REVISED

PURPOSE: The purpose of this Order is to revise Department Manual Section 4/320.35, *Financial Responsibility Requirements*, to be consistent with current legislation.

PROCEDURE: This Order revises Department Manual Section 4/320.35, *Financial Responsibility Requirements*. Attached is the revised Department Manual Section with the revisions indicated in italics.

AMENDMENT: This Order amends Section 4/320.35 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

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DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 8, 2017

320.35 FINANCIAL RESPONSIBILITY REQUIREMENTS. An officer issuing a Traffic Notice to Appear for a *California Vehicle Code (VC)* violation, other than a parking violation, shall write the financial responsibility information on the citation (*Section 16028(b) VC*). *There are four forms of financial responsibility that are recognized by the State of California. These four forms consist of:*

- *A motor vehicle liability insurance policy;*
- *A deposit of \$35,000 with the Department of Motor Vehicles (DMV);*
- *A surety bond of \$35,000 obtained from a company licensed to do business in California; and,*
- *A DMV-issued self-insurance certificate.*

Note: Section 16028 VC applies only to vehicles required to be registered in California, and to mopeds driven upon the highway.

Evidence of Financial Responsibility. For purposes of Section 16028 VC, evidence of financial responsibility *may be in writing or by presenting a mobile electronic device. The only accepted form of financial responsibility accepted on a mobile electronic device is a motor vehicle liability insurance policy, the three other forms listed above must be presented in written form.*

Note: *For purposes of this Section, officers are prohibited from searching any other content on the mobile electronic device that is presented for the purpose of providing evidence of financial liability.*

The name of the insurance company and the number for the policy must be provided. If either item is unavailable, the citation shall be completed as if no evidence of financial responsibility was produced.

Citing Section. Section 16028(a) VC, an infraction, shall be used as the citing section for violations of failing to provide evidence of financial responsibility.

Citing an Out-of-State Vehicle.

Commercial Vehicles. Certain out-of-state commercial vehicles are required to be registered *in the State of California*. This registration and proof of financial responsibility are evidenced by a Uniform Identification Cab Card issued by the Public Utilities Commission. Other out-of-state commercial vehicles are not required to be registered in California due to reciprocity agreements. Enforcement of *Section 16028(a) VC* on out-of-state commercial vehicles is limited to officers assigned to the Specialized Enforcement *Section*, Emergency Operations Division.

Passenger Vehicles. The owner of an out-of-state passenger vehicle is required to apply for California registration within 20 days after accepting gainful employment or establishing residence in this state, whichever occurs first.

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Exception: Military personnel on active duty in *the State of California (Active duty military personnel are identifiable by a standard issued identification card known as a "Common Access Card")* are not required to register their vehicle in this state, as long as the vehicle has valid out-of-state plates (*Section 6701 VC - Exemptions of Nonresident Armed Forces members from Registration*).

Officers familiar with the provisions of *Section 6700 VC - Exemptions of Nonresident from Registration* and related VC sections may cite out-of-state passenger vehicles for a violation of *Section 16028(a) VC* when appropriate.

Citing an Employer. If the driver of a vehicle owned, operated, or leased by the driver's employer fails to provide evidence of financial responsibility, officers shall use the following citing procedure:

- The driver shall be cited for the original violation.
- A separate Traffic Notice to Appear shall be issued to the employer for failure to provide evidence of financial responsibility.
- Officers shall tell the driver that *Section 16028(2) VC* requires the driver to notify the employer of the citation within 5 days.
- The driver shall be requested to sign the citation on behalf of the employer.

Note: The driver is not required to sign the citation. *If the driver opts not to sign*, "DRIVER REFUSED" shall be entered in the signature space.

- The driver shall be requested to give the employer the defendant's copy of the citation.

Note: If the driver refuses to accept the employer's copy of the citation, it shall be inserted back into the form set and "DRIVER REFUSED TO ACCEPT COPY" shall be entered in the "Violations" space. The employer's copy shall be turned in with the original (green) copy of the citation. The supervisor checking citations shall forward both copies to the Traffic Court Liaison Unit, 1945 South Hill Street. The Traffic Court Liaison Unit shall ensure that the employer is notified of the citation.